

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

Page 168, after line 49, begin a new paragraph and insert:

"SECTION 152. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: (a) As used in this chapter, "assessed value" means the assessed value of agricultural inventory determined under IC 6-1.1-3.

(b) As used in this chapter, "inventory" has the meaning set forth in IC 6-1.1-3-11.

(c) As used in this chapter, "pass through entity" means:

(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2); or

(2) a partnership.

(d) As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-2.1 (gross income tax);

(2) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);

(3) IC 6-3-8 (supplemental net income tax);

(4) IC 6-5.5 (financial institutions tax); and

(5) IC 27-1-18-2 (insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this SECTION.

(e) As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

(f) A taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year equal to the ad valorem property taxes paid by the taxpayer in a taxable year beginning after December 31, 1998, on agricultural inventory.

(g) If the amount determined under subsection (f) for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. A taxpayer is not entitled to a carryback.

1 (h) A taxpayer is not entitled to a refund of any unused credit.

2 (i) If a pass through entity does not have state income tax liability against which the tax credit may be
3 applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

4 (1) the tax credit determined for the pass through entity for the taxable year; multiplied by

5 (2) the percentage of the pass through entity's distributive income to which the shareholder or partner
6 is entitled.

7 (j) To receive the credit provided by this SECTION, a taxpayer must claim the credit on the taxpayer's
8 state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer
9 shall submit to the department of state revenue proof of payment of ad valorem property tax on
10 agricultural inventory and all information that the department determines is necessary for the calculation
11 of the credit provided by this SECTION.

12 (k) The department of state revenues shall adopt rules under IC 4-22-2 to administer this SECTION.

13 (l) This SECTION expires December 31, 2000."

14 Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 22, 1999.)

Representative Thompson